IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
    Anand SUBRAMANIAN, et al.   Confirmation No. 4306

Application No.: 10/001,772   Art Unit: 3622

Filed: October 31, 2001   Examiner: Raquel Alvarez

For: INTERNET CONTEXTUAL
     ADVERTISEMENT DELIVERY SYSTEM
     AND METHOD

APPELLANTS' SECOND BRIEF ON APPEAL UNDER 37 C.F.R. § 41.37

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellants submit this Brief in accordance with 37 C.F.R. § 41.37 in support of their appeal from the Final Office Action, mailed December 11, 2006 by Examiner Raquel Alvarez, and the Advisory Action, mailed April 19, 2007, in the above-identified patent application.

The present application has been granted special status (See, Decision on Petition to Make Special, mailed April 14, 2004), accordingly, Appellants request accelerated treatment of this brief.

This second Appeal Brief is being filed after prosecution was reopened subsequent to the filing of an Appeal Brief on April 28, 2006. In accordance with 37 C.F.R. §§ 41.31 and 41.37, this brief follows the June 8, 2007 filing of a Notice of Appeal and payment of the required fee. Appellants submit that this second Appeal Brief is timely filed without the payment of any

extension of time fee. Appellants further submit that the fee for an Appeal Brief was paid on April 27, 2006. Additionally, a Request for Oral Hearing, accompanied by the required fee, was filed on April 27, 2006. Thus, in accordance with MPEP § 1204.1, the present second Appeal Brief and Request for Oral Hearing need not be accompanied by a fee. However, the Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this second Appeal Brief and Request for Oral Hearing, or to credit any overpayment, to Deposit Account No. 04-0100.

I.   REAL PARTY IN INTEREST

The real party in interest for this appeal is ContextWeb, Inc. The inventors have assigned their rights in and to this application to ContextWeb, Inc., such assignment having been duly recorded.

II.   RELATED APPEALS AND INTERFERENCES

To appellants' knowledge, there are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III.   STATUS OF CLAIMS

Claims 1-89 are pending in the application, with claims 1-14, 17-20 and 23-26 withdrawn from consideration.

This appeal is in respect of the rejection of claims 15, 16, 21, 22 and 27-89. There are 67 claims rejected in the application, i.e., claims 15, 16, 21, 22 and 27-89.

All pending claims are reproduced in the **Claims Appendix**. The current status of the application's claims is as follows:

1. Claims canceled: none;

2. Claims withdrawn from consideration but not canceled: 1-14, 17-20 and 23-26;

3. Claims 1-14, 17-20 and 23-26 stand withdrawn in response to a telephone Restriction Requirement imposed by the Examiner in charge. The Patent Office Required an election to be made in order to decide whether a Petition to Make Special should be granted.

4. Claims pending: 15, 16, 21, 22 and 27-89;

5. Claims allowed: none;

6. Claims rejected: 15, 16, 21, 22 and 27-89.

IV.   STATUS OF AMENDMENTS

No amendments have been filed subsequent to the December 11, 2006 Final Office Action.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention is directed to systems and methods for delivering advertisements to "a user viewing content by operating a station connected to a distributed computer network." For example, *see* claim 15, preamble. Independent system claim 15 recites "an ad server which maintains the ads," (Specification, page 25, lines 4-8; Fig. 10, item 122), "a data store containing a set of relevancy rules associated with each ad, the rules being operable to indicate a level of relevancy of the ad **to the content of the information retrieved [by the user]**," (Specification, page 25, line 11 bridging page 26, line 15; Fig. 10, item 100 and Fig. 11, item 110). *See* claim 15 (emphasis added).

Claim 15 recites "a matchmaker" that "in response to the submission of a URL by the user at the operating station, access[es] the content retrieved by the user," "parse[s] the content of

the information into objects," and "**target[s] an ad from the server to the content by applying the relevancy rules in the data store to the objects, free of information about the user,**" (Specification, page 26, lines 19-23; Fig. 10, item 30). *See* claim 15 (emphasis added). Also, *see generally*, Specification, page 27, line 1 bridging page 28, line 20. Independent system claim 89 is broadly directed to similar subject matter and recites "a server for storing ads," (Specification, page 25, lines 4-8; Fig. 10, item 122), "a memory containing a set of relevancy rules," (Specification, page 25, line 11 bridging page 26, line 15; Fig. 10, item 100 and Fig. 11, item 110), and "a module" that accesses information retrieved by the user, extracts the content based on rules, parses the content into objects, and sends the targeted ad to the user station for display with the content, (Specification, page 26, lines 19-23; Fig. 10, item 30).

Independent method claim 21 is directed to a method for presenting to a user, viewing content, targeted ads along with content being viewed. Claim 21 recites the steps of "maintaining ads, identifying a set of relevancy rules, accessing information, extracting content, parsing the content, and targeting ads to the content, and displaying the targeted ads along with the content. *See* Specification, page 27, line 1 bridging page 28, line 20; *see generally* Specification page 25, line 4 bridging page 26, line 23.

The claimed invention determines the relevancy of an advertisement in relation to information retrieved by the user ("free of information about the user"), in response to the submission of a URL by the user, and displays the advertisement together with the content of the retrieved information at the user's station.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1) Whether claims 15, 16, 21, 22 and 27-89 can properly be rejected as being obvious over U.S. Patent No. 7,076,443 to Emens et al. ("Emens") in view of U.S. Patent No. 5,835,087 to Herz et al. ("Herz").

VII.   ARGUMENT

<u>Grounds of Rejection No. 1</u>

Furthermore, the claimed invention accomplishes displaying an ad together with the user-viewed content without using any intervening entities between the user and the Internet sites and without user profile information being necessary. It employs a URL and processes the content of the page to determine the context comprising of keyword phrases, versus using the keyword phrase explicitly typed by the user.

Appellants submit that the claimed invention is patentable over the combination of Emens and Herz for at least the following key points:

Point 1: Each independent claim recites that the requested content and associated advertising be displayed together. The effect of submitting the URL in the claimed invention is that an advertisement and the content at the URL are pulled to a user's work station for display together.

Point 2: The Examiner contends that it would be obvious to use a URL to obtain the content in view of Herz. However, Emens clearly teaches away from Herz. There is no motivation to combine.

Point 3: Even if Emens were combined with Herz, the result would not be the claimed invention. Emens requires intervening entities between the user and the Internet sites, and Herz requires user profile information to determine relevant advertisements. These features are excluded by the present claims. The claimed invention determines the relevancy of an advertisement based on "a set of relevancy rules associated with each ad" (where the relevancy rules may or may not depend on the content of the ad) compared to objects extracted from "the content of the information retrieved" ("free of information about the user") and "sends the targeted ad to the station for display with the content."

Elaboration of Point 1

Emens neither discloses nor suggests displaying the requested content and the targeted ad together. Indeed, Emens discloses that either the requested information or the ad be shown. Emens further makes it clear that the ad should be shown only if the user specifically asks for it:

> The search engine then returns a specific search result set showing items which may contain the sought after information. For each search result item, a graphical user interface (GUI) selection is presented, **allowing the user to select the GUI, on demand if so desired, to investigate related advertisement.**

Emens, Col. 4, line 65 thru Col. 5, line 3 (emphasis added).

Claim 15 of the claimed invention is directed to a system for delivering ads which includes a matchmaker configured to **"directly send the targeted ad to the station for display with the content."** Independent claim 89 recites similar subject matter. Independent method claim 21 recites the step of "displaying the targeted ads at the station with the content." In contrast, the Examiner acknowledges that Emens discloses that the "search result items and associated product icons are . . . displayed to the browser 100." (December 11, 2006 Detailed Action, top of page 3.) The Examiner contends that "in Emens the <u>icon</u> or link that is displayed represent the ads." (December 11, 2006 Detailed Action, item 5, page 4.) Appellants respectfully disagree.

In rejecting independent claim 15, the Examiner asserts that each of its limitations is disclosed in Emens, except for the content being accessed in response to submission of a URL by the user. The Examiner asserts that this feature is disclosed by Herz.

Emens, column 7, lines 50-51 disclose that "advertisements can . . . be provided on the user's demand." Here Emens clearly distinguishes between an icon or link that is selected by a user, and an advertisement that is provided after the user makes a selection. Appellants submit that all that Emens discloses displaying along with the search result is an icon or a link representing, or corresponding, to an ad, but not an advertisement itself. Therefore, as noted above, Emens clearly

fails to teach that the ads should be shown with the content. Because clicking on the displayed icon in Emens results in displaying the ad, Emens teaches that either the content or the ads should be shown, not both. Emens neither discloses nor suggests, displaying the ad with the content retrieved by the user. This feature is also missing from Herz. Thus, Emens and Herz does not render claims 15, 21 and 89 obvious for at least this reason.

In response to the arguments presented in Appellants' communication filed on September 25, 2006, the Examiner states that "the claims do not exclude accessing a link to receive the ad and secondly, in Emens the icon or link that is displayed represent[s] the ads. Each icon displayed corresponds to an ad." (December 11, 2006 Detailed Action, item 5, page 4.) The Examiner's comments, however, do not meet the language of the claim. Whether the claim fails to exclude accessing a link is not relevant. The claim requires that the matchmaker "**directly send the targeted ad to the station for display with the content,**" not that a link is sent to the station by which the user can manually access the ad. Thus, Emens clearly fails to disclose an important feature of the invention. Additionally, Emens discloses that a graphical user interface or product icon is presented to the user. Selection of the GUI or icon initiates a search of an advertisement database to acquire information on advertised products related to the search results. (Emens, column 5, lines 44-59.) In contrast, the claimed invention "sends the targeted ad to the [user's] station for display with the content [retrieved by the user]."

Under the claimed invention, content is pulled to a user's work station by the browser. The content being sought is not "a search query hav[ing] a special interest in . . . a particular piece of information," as disclosed in Emens. A user of the claimed invention is seeking content in the form of news articles, or other web pages with full knowledge of their web location — i.e., their URL. The act of pulling certain content is implemented with the claimed invention by submission of the known URL. The effect of submitting the URL in the present invention is that an advertisement and the content at the URL are pulled to the work station for display together.

Elaboration of Point 2

The Examiner contends that it would be obvious to use a URL to obtain the content in view of Herz. However, Emens clearly teaches away from Herz. Herz discloses a system where entering the URL for the system gets the expected content, i.e., the content that has been developed by the website, whether it be a collection of articles or ads. All the user ever gets is what the website had generated. Emens teaches that prior art systems (such as Herz) rely on user profiles to select advertising and that such systems are disadvantageous because, *inter alia*, they require continuous updating. *See* Emens, column 1. Emens teaches that this system should be rejected and, instead, Emens "follows an approach uniquely different from the e-commerce method of user profiling. Instead of using user profiles to target advertisement, the resultant search result items from a search engine performing an Internet search are utilized." (Emens, column 4, lines 54-58.) Having taught away from the process used in Herz, one skilled in the art would not look to Herz to modify the system disclosed in Emens. Thus, there is no motivation to combine Emens and Herz.

Elaboration of Point 3

Combining Emens and Herz does not result in the claimed invention. Appellants respectfully note that the Examiner has not addressed the prior arguments regarding this point. If taken together, Emens and Herz must either (1) accept a user's query triggering a search engine to search the Internet, with the results being sent to a product matching manager to match the search result items to a product icon (as required by Emens' system); or (2) determine the relevancy of an advertisement based on its own content in comparison to a user's profile to develop a list of relevant ads to be sent to the user for possible reading (as required by Herz's disclosure).

The claimed invention does not have intervening entities as disclosed in Emens, neither does the claimed invention compare the advertisement's content to a user's profile as disclosed in Herz. Nor does the claimed invention require a user's query to trigger a search request in order to target an advertisement for display with content retrieved by the user. The claimed invention determines the relevancy of an advertisement based on "a set of relevancy rules associated with each ad" (where the relevancy rules may or may not depend on the content of the ad) compared to

objects extracted from "the content of the information retrieved" ("free of information about the user") and "sends the targeted ad to the station for display with the content."

Emens is directed to, and discloses, associating advertisements with individual search results obtained by a search engine. The search engine performs the search based on a query submitted by an Internet user. The search engine also performs a subsequent search for related product advertisements after uncovering the search result items. (Emens, Abstract.)

> When a user initially submits a query, a normal Internet search 90 is performed. The query is forwarded to the user/session manager subsystem 120 which then forwards it on to search engine 130. The search engine 130 performs an Internet search and produces a search results set. The search results set is then forwarded 97 to the product matching manager 140.

(Emens, column 6, lines 13-34; Fig. 3.) Emens discloses that the product matching manager 140 flags a search result item which matches an advertisement. The flag is used by a request server 160 (a/k/a results presentation manager) to display a GUI designator, e.g., a simple product icon. (Emens, column 6, lines 35-54.)

Thus, Emens interposes intervening entities (user/session manager 120 and search engine 130) in the path between the user's browser 100 and the Internet; and interposes other intervening entities (search engine 130, product matching manager 140, and request server 160) in the path between the Internet and the user's browser 100.

Emens does not disclose accessing content from a user-submitted URL, and acting on the accessed content as recited in the claimed invention. Rather, Emens discloses a system that accepts a **user's query 90, 95 for information,** conducts a search of the Internet through search engine 130, forwards 97 the search result set to a product matching manager 140, which attempts to match at least one product from its product database 110 to each of the search result items (as opposed to the content at a user-submitted URL.) If a user of Emens' system selects the icon, then "the user/session manager 120 routes the product request 95 to the product presentation or product listing manager 150." This process continues with the product listing manager 150 referencing the product database 110, and then the result presentation manager 160 building a results page which

contains the search result item with a list of products from which the user may select on demand. "This results page is sent 99 to the browser 100 to display the selected search result item with its corresponding products." (Emens, column 7, lines 29-42.) Thus, Emens does not disclose, nor suggest, causing the display of an advertisement as a result of the entry of a URL, let alone displaying the ad along with the content of the page referenced by the URL.

In order to compensate for the lack in Emens of any display of an ad in response to a URL, the Examiner cites Herz. Herz discloses a system that automatically constructs both a "target profile" for each target object (e.g., a news article, an advertisement, or a coupon) that the system receives. The Herz system also constructs and maintains a "target profile interest summary" for each user. When new material is received and processed, the system evaluates the target profiles against the user's target profile interest summaries to determine whether a listing of the article or ad is to be sent to the user. *See* Herz, Abstract. If so, Herz pushes a list of news articles or advertisements to the user, which are available for potential viewing by the user. The list is not sent together with any content the user has actively retrieved. In order to see the articles the user must go to the system website to download them.

In the December 11, 2006 Office Action, the Examiner states that:

> Herz teaches [o]in Figure 10, 1102 a user accesses a news site and the articles delivered to the users are based on the user's submission. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have replaced Emens['] keyword search with the teachings of Herz of the content being accessed in response to the submission of a URL by the user because such a motivation would avoid **unwanted articles in an irrelevant or unexpected context** (Herz, col. 2, lines 43-53).

(December 11, 2006 Detailed Action, item 3, page 3 (emphasis in original).)

The Examiner has failed to appreciate that before an article is targeted by Herz's system, the user's profile is determined and the target profile is compared to the user profile. In particular:

> a profile processing module which <u>estimates each user's interest in various target objects by reference to the users' target profile interest</u>

summaries, for example by comparing the target profiles of these target objects against the search profiles in users' search profile sets, and generates for each user a customized rank-ordered listing of target objects most likely to be of interest to that user.

See Herz, column 6, lines 42-58 (emphasis added). **Further, merely putting in a URL and getting content is not the claimed invention. Rather, according to the claimed invention, when the URL is entered, the user gets the expected content, but also gets an ad related to that content.** Using the Herz system, entering the URL for the system gets the expected content, i.e., the content that has been developed by the website, whether it be a collection of articles or ads. All the user ever gets is what the website had generated. With the present invention, putting in a URL not only gets the user the content at that website, but also an advertisement related to that content.

If the Emens' system were implemented at a search website, e.g., Google, entering the URL just gets you to the Google website. No ads related to user-desired content are pulled to the user's browser as a result of entering the URL. If a search is entered and executed at Google using the Emens' system, the search results would be returned to the user along with an icon. To actually get the ad, the user must click on the icon. This will cause the advertisements to replace the search results on the display, instead of being displayed with the search results. Thus, it can be seen that entering a URL is already part of Emens in getting to the website where a search can be conducted. Combining Emens and Herz just gets you to a website, which may have especially prepared content (e.g., the user's favorite articles), but it does not produce an ad until a search is run. Even then the ad is not displayed for the user to see, but first it must be physically retrieved by clicking on a link or icon.

Independent claim 15 further recites that the matchmaker is "configured to, **in response to the submission of a URL by the user at the operating station, access the content retrieved by the user,** extract the content according to extracting rules, parse the content of the information into objects, target an ad from the server to the content by applying the relevancy rules in the data store to the objects." (Emphasis added.) Independent claim 89 recites similar subject matter, and independent method claim 21 recites steps to accomplish these actions.

In contrast to triggering a search engine based on a user's query, the claimed invention causes a targeted advertisement to be displayed with content retrieved by the user after determining the relevancy of an advertisement based on "a set of relevancy rules associated with each ad" (where the relevancy rules may or may not depend on the content of the ad) compared to objects extracted from "the content of the information retrieved" ("free of information about the user"). After the relevance of an advertisement is determined, the claimed invention "sends the targeted ad to the station for display with the content." Appellants submit that Emens and Herz neither disclose nor suggest the claimed invention. Nor does the combination of Emens and Herz result in the claimed invention. Thus, the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness over claims 15, 21 and 89.

In *KSR Int'l Co. v. Teleflex Inc., et al.*, No. 04-1350 U.S. 2007 Term (Decided April 30, 2007), the Supreme Court emphasized that combining "familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* at page 12. A person of ordinary skill in the art at the time of the invention would not have predicted that combining Herz's teaching of using user demographics with Emens' teaching of responding to a user's search query would result in a system and method which can "target an ad . . . to content [being retrieved by a user] by applying relevancy rules . . . free of information about the user, and directly send the targeted ad to the [user's] station for display with the content," as recited in independent claim 15 — and similarly recited in independent claims 21 and 89. Rather, what would have been predictable by combining Herz and Emens at the time of the invention would be a search engine that provides links to ads relevant to search results obtained from a search query formulated by the search engine based on user demographics.

In *Grahm v. John Deere Co.*, 383 U.S. 1, 36 (1966), the Court implemented the use of secondary considerations as a way "to guard against slipping into [the] use of hindsight and to resist the temptation to read into the prior art the teachings of the invention in issue." *Id.* at 36. In *KSR*, the Court continued its caution that hindsight bias can cause distortion and that arguments reliant upon *ex post* reasoning are suspect. *KSR* at 17. In formulating her rejection, the Examiner has

impermissibly relied on the disclosure of the present application. Even though Herz and Emens combined does not result in the claimed invention, the Examiner has attempted to reconstruct the claimed invention from the prior art by selective combination of the prior art using the present claims as a blueprint.

An Examiner needs to do more than articulate obviousness rejections with mere conclusory statements. The Federal Circuit has held that "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Alza Corp. v. Mylan Lab., Inc., et al.*, 464 F.3d 1286 (Fed. Cir. 2006) (*quoting In re Kahn*, 441 F.3d 977, 987-88 (Fed. Cir. 2006)). In the December 11, 2006 Office Action, after discussing the disclosures of Herz and Emens (incorrectly, as noted above), the Examiner merely states:

> It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have replaced Emens['] keyword search with the teaching of Herz of the content being accessed in response to the submission of a URL by the user because such a motivation would avoid **unwanted articles in an irrelevant or unexpected context** (Herz, col. 2, lines 43-53).

Detailed Action, item 3, page 3 (emphasis in original). Irrespective of Appellants' argument made above that the Examiner has failed to appreciate the teachings of Herz and Emens, the Examiner in formulating the obviousness rejection does not offer any rational underpinning to support the statement. As explained by the Federal Circuit: "'[C]onclusory statements such as those here provided do not fulfill the [Examiner's] obligation' to explain all material facts relating to a motivation to combine." *Dystar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, et al., 464 F.3d 1356 (Fed. Cir. 2006) (*quoting In re Lee*, 277 F.3d 1338, 1344 (Fed. Cir. 2002)). Both the *Alza* and *Dystar* decisions received favorable mentions in the Supreme Court's *KSR* decision. *KSR* at 18.

Further, with respect to the rejection of claims 32 and 36 over Emens in view of Herz and the Examiner's statement of what was known in the art at the time of the invention (December 11, 2006 Detailed Action, page 3, item 5, the Examiner contends that Emens and Herz disclose most

of the features of claims 32 and 36. However, the Examiner acknowledges that Emens and Herz does not disclose that performance is measured by a change in revenues or click-through rates (claim 32), nor that content is classified by past consumption by users as a consequence of ads that were received and responded to by them (claim 36). The Examiner states that these approaches are "old and well known in the computer related arts," and that it would have been obvious for a person of ordinary skill in the art to have combined Emens, Herz, and the Examiner's statement of what is "old and well known" at the time of the invention to achieve the invention of claims 32 and 36.

First, the Examiner's statement that it is "old and well known . . . to monitor the amount of click through of an ad," and that it is "old and well known to classify information related to past consumption of prior products or coupons redemption by the consumer . . ." is not supported by any "concrete evidence in the record . . . ." (*See* MPEP § 2144.04(c), *citing In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001).) Accordingly, Appellants submited a request that the Examiner support this personal knowledge with affidavits containing data as specific as possible pursuant to 37 C.F.R. §1.104(d)(2). In accordance with § 1.104(d)(2), Appellants are permitted to contradict or explain such affidavits with affidavits of the Appellants or other persons. Appellants submit that without supporting evidence, the Examiner has impermissibly relied on personal knowledge and, thus, has not established a *prima facie* case of obviousness. The Examiner has not provided any affidavits in support of this personal knowledge.

Second, claims 32 and 36 depend from independent claim 15, and recite the features of claim 15 as if set forth therein in their entirety. Appellants have demonstrated above that claim 15 is patentable over Emens and Herz. The above discussion is equally applicable to claims 32 and 36 in view of Emens, Herz, and the Examiner's statement. Appellant submits that the Examiner has not established a *prima facie* case of obviousness of claims 32 and 36. Further the present invention as set forth in claims 32 and 36 operates in a different way than the suggested combination. With the present invention, upon entering a URL the user gets the requested webpage and an ad. If the user clicks on the ad, performance metrics for the ad are generated.

In the combined Emens/Herz system, entry of a URL gets the user to a webpage where a search can be conducted. No ads are delivered. If a search is conducted, a list of search results is displayed. Again no ads are delivered. However, next to one or more of the search results there may be an icon. The user must than select which icon he/she wants and click on it. This produces an ad. Before a click-through (as commonly understood in the art) can be counted, the user must again click, this time on the ad itself. The present invention eliminates the steps of creating a search, the user's choice of ads, and the extra click to generate the click-through which are necessary components in any system resulting from the combination of Emens and Herz. Thus, the claimed invention is simpler for the user and guarantees that the user at least sees the ads that the advertiser wants shown.

Claims 16, 27-31, 32-35, 37-39 depend from claim 15. Claims 22, 40-88 depend from claim 21. Appellants submit that claims 16, 22, 27-31, 32-35 and 37-88 are patentable over Emens, Herz and the Examiner's statement of what was known in the art, for at least the same reasons as their respective base claims.

In conclusion, because the Examiner has failed to address, let alone refute, Appellants' arguments on their merits, these arguments stand. Mere naked denials of Appellants' arguments do not render the present invention obvious. The prior art of record fails to teach one of ordinary skill in the art to create a method or system for achieving the display of an ad together with the user-viewed content. Even if Emens were combined with Herz, the result would not be the claimed invention. Taken together, the cited references fail to suggest:

1. A method or system for achieving the display of an ad together with the user-viewed content;

2. The use of a URL to obtain the content; or

4. The relevancy of an advertisement based on "a set of relevancy rules associated with each ad" absent of any intervening entities between the user and the Internet sites or user profile information.

For all of the reasons set forth above, the rejections should be reversed. Appellant respectfully requests that the application be remanded to the Primary Examiner with an instruction to withdraw the rejections, and pass the case to allowance.

Respectfully submitted,
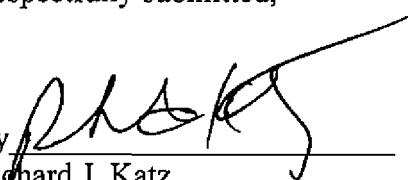
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Dated: June 11, 2007

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APPENDIXES

CLAIMS APPENDIX

The following is a copy of the claims involved in the appeal:

1.   (Withdrawn) A method for presenting to a user at a station connected to a distributed computer network, relevant areas of distributed computer network sites, comprising, the steps of:

receiving across the distributed computer network an indication of a mind set of the user in navigating the network, wherein the mind set indicates a navigational goal of the user over the distributed computer network;

cross-referencing the indicated user mind set with a mind set data store of potential user goals to find at least one indicated goal;

cross-referencing the indicated user goal with a service data store of a set of services, the set of services potentially reflecting the navigational goal of the user mind set;

matching the set of services in the cross-referencing step with a list of service providers that provide the set of services that potentially reflect the navigational goal of the user; and,

displaying the list of services and service providers to the user at the station.

2.   (Withdrawn) A method as in claim 1, further comprising, the step of:

offering the user a promotion associated with a service provider that relates to the received user mind set.

3.   (Withdrawn) A method as in claim 1, wherein the displaying step, further comprises, the step of:

sending the list to a tool that creates a user interface for the constructed list.

4.   (Withdrawn) A method as in claim 1, wherein the station is at least one of a personal computer, a pager, a Web-enabled phone, a personal digital assistant (PDA), a pen-based platform, a wireless digital platform, and a voice-based platform.

5.   (Withdrawn) A method for presenting to a user at a station connected to a distributed computer network, relevant areas of distributed computer network sites, comprising, the steps of:

displaying to the user across the distributed computer network a set of potential user mind sets and a set of potential contextual inferences;

receiving from the user at least one of a user mind set or a contextual inference, wherein the user mind set or contextual inference indicates a navigational goal of the user over the distributed computer network;

sending the user to a new location on the distributed computer network in response to the received user response; and,

presenting to the user at the station a list of service providers in response to the received user response, the list of service providers providing services in accordance with the received user response.

6. (Withdrawn) A method as in claim 5, further comprising, the a step of:

outlining an activity history that reflects the received user response on a visual display at the station.

7. (Withdrawn) A method as in claim 6, further comprising, the step of:

recording the activity history electronically.

8. (Withdrawn) A method as in claim 7, further comprising, the step of:

transmitting the electronically stored activity history.

9. (Withdrawn) A method as in claim 8, further comprising using the transmitted electronically stored activity history for a customization of a navigational environment.

10. (Withdrawn) A method as in claim 5, further comprising, the step of:

offering the user an additional enhancement wherein the additional enhancement comprises a promotion associated with a service provider that relates to the received user response.

11. (Withdrawn) A method as in claim 5, wherein the station is at least one of a personal computer, a pager, a Web-enabled phone, a personal digital assistant (PDA), a pen-based platform, a wireless digital platform, and a voice-based platform.

12. (Withdrawn) A method as in claim 5, further comprising, the step of:

generating a fee to the service provider each time a service associated with the service provider is presented to the user.

13.   (Withdrawn)   A method as in claim 5, further comprising the step of:

receiving from the user a selection from the list, the selection being consistent with the navigational goal of the user over the distributed computer network.

14.   (Withdrawn)   A method as in claim 13, further comprising the step of:

generating a fee to a service provider each time a user selection associated with the service provider is received from the user.

15.   (Previously Presented)   A system for delivering ads to a user viewing content operating a station connected to a distributed computer network, comprising:

an ad server which maintains the ads for the user at the station across the distributed computer network, the user station allowing the user to retrieve information containing content;

a data store containing a set of relevancy rules associated with each ad, the rules being operable to indicate a level of relevancy of the ad to the content of the information retrieved; and

a match maker configured to, in response to the submission of a URL by the user at the operating station, access the content retrieved by the user, extract the content according to extracting rules, parse the content of the information into objects, target an ad from the server to the content by applying the relevancy rules in the data store to the objects,

free of information about the user, and directly send the targeted ad to the station for display with the content.

16.   (Previously Presented)   A system as in claim 15, wherein the station is at least one of a personal computer, a pager, a Web-enabled phone, a personal digital assistant (PDA), a pen-based platform, a wireless digital platform, or a voice-based platform.

17.   (Withdrawn)   A system for sending targeted services to a user at a station connected to a distributed computer network, comprises:

an object registry that identifies a first set of objects relevant to services provided by a service provider and that maps the first set of objects to the services provided by the service provider; and,

a match maker that parses content in a document, that identifies a second set of objects relevant to the content, that groups the second set of objects relevant to the content, that cross references the first set of objects with the second set of objects to determine targeted services relevant to both the first and the second set of objects, and that sends the targeted services to the user across the distributed computer network.

18.   (Withdrawn)   A system as in claim 17, wherein the station is at least one of a personal computer, a pager, a Web-enabled phone, a personal digital assistant (PDA), a pen-based platform, a wireless digital platform, and a voice-based platform.

19.   (Withdrawn) A system for presenting to a user at a station connected to a distributed computer network, relevant computer network sites, comprising:

a mind set data store that stores a set of potential user goals;

a service data store that stores a set of services; and,

a processor that receives from the user an indication of a user mind set in navigating the network, wherein the mind set indicates a navigational goal of the user over the distributed computer network, the processor cross references the indicated mind set with the potential user goals in the mind set data store, cross references the indicated user goal with the set of services potentially reflecting the navigational goal of the user, matches the set of cross referenced services with a list of service providers that provide that set of services, and displays the list of services and service providers to the user at the station.

20.   (Withdrawn) A system as in claim 19, wherein the station is at least one of a personal computer, a pager, a Web-enabled phone, a personal digital assistant (PDA), a pen-based platform, a wireless digital platform, and a voice-based platform.

21.   (Previously Presented)   A method for presenting to a user, viewing content at a station connected to a distributed computer network, relevant areas of distributed computer network sites comprising the steps of:

maintaining ads for the user at the station across the distributed computer network, the user station allowing the user to retrieve information containing content;

identifying a set of relevancy rules which are used for indicating a level of relevancy of each ad to the content of the information retrieved;

accessing, in response to the submission of a URL by the user at the operating station, the information retrieved by the user;

extracting the content of the retrieved information according to a set of extracting rules;

parsing the content of the information into objects;

targeting the ads to the content by applying the relevancy rules to the objects, free of information about the user; and

displaying the targeted ads at the station with the content.

22.   (Previously Presented)   A method as in claim 21 wherein the station is at least one of a personal computer, a pager, a Web-enabled phone, a personal digital assistant (PDA), a pen-based platform, a wireless digital platform, and or a voice-based platform.

23.   (Withdrawn) A method for presenting to a user at a station connected to a distributed computer network, relevant areas of distributed computer network sites, comprising, the steps of:

identifying a first set of objects relevant to services provided by a service provider;

mapping the first set of objects to the service provided by the service provider;

parsing a second set of objects relevant to content in a document;

grouping the second set of objects relevant to content in a document;

cross referencing the first set of objects with the second set of objects to determine targeted services; and

sending targeted services to the user across the distributed computer network.

24.   (Withdrawn)   A method as in claim 23, wherein the station is at least one of a personal computer, a pager, a Web-enabled phone, a personal digital assistant (PDA), a pen-based platform, a wireless digital platform, and a voice-based platform.

25.   (Withdrawn)   A method as in claim 23, further comprising the step of:

generating a fee to the service provider associated with the sent targeted service.

26.   (Withdrawn)   A method as in claim 23, further comprising the step of:

receiving from the user a user selection.

27.   (Previously Presented)   A system as in claim 15, wherein the targeted ad is presented to the user in at least one of static text, Hyper Text Markup Language, image, Flash, and or rich media format.

28.   (Previously Presented)   A system as in claim 15, wherein an advertiser has purchased a right to advertise the targeted ads maintained by at least one of the ad server, an ad network, and or an affiliate network.

29.   (Previously Presented)   A system as in claim 15, wherein the objects parsed by the match maker are at least one of a keyword, a key phrase, or a structural relationship of at least one of multiple keywords, multiple key phrases, a keyword with a key phrase, or multiple keywords with multiple key phrases.

30.   (Previously Presented)   A system as in claim 29, wherein said at least one key word, a key phrase, and or structural relationship was purchased by an advertiser for targeted advertising.

31.   (Previously Presented)   A system as in claim 15, wherein the relevancy rules relate to at least one of a keyword, a key phrase or a structural relationship of at least one of multiple keywords, multiple key phrases, a keyword with a key phrase, or multiple keywords with multiple key phrases that was purchased by an advertiser for targeted advertising and wherein the data store stores a price at which said at least one key word, key phrase, or structural relationship was purchased or a performance measurement of the targeted ad associated with the purchased at least one key word, key phrase, or structural relationship.

32.   (Previously Presented)   A system as in claim 31, wherein performance is measured by at least one of changes in revenues or click through rates of targeted ads.

33.   (Previously Presented)   A system as in claim 15, wherein the content is a portion of content from a location on the distributed computer network that the user requested to view.

34.   (Previously Presented)   A system as in claim 15, wherein the content is a portion of content from a location on the distributed computer network that the user requested to receive.

35.   (Previously Presented)   A system as in claim 15, wherein the extracting rules enable a classification of the content according to a channel, and wherein a channel is one of an object, a group of objects, a classification of objects or a structural relationship among objects.

36.   (Previously Presented)   A system as in claim 35, wherein the channel into which the content is classified is related to past consumption by users as a consequence of ads that were received and responded to by them.

37.   (Previously Presented)   A system as in claim 35, wherein the channel into which the content is classified is among channels used for existing advertising sales by at least one of an advertiser, an ad network, or an affiliate network.

38.   (Previously Presented)   A system as in claim 15, wherein the match maker parses the content and maps to the targeted ad in real time as the user operates at the station connected to the distributed computer network.

39.   (Previously Presented)   A system as in claim 15, wherein the match maker parses the content and maps to the targeted ad prior to the user operating at the station connected to the distributed computer network.

40.   (Previously Presented)   The method of claim 21, wherein the targeted ads belong to an advertiser, and wherein identifying the set of relevancy rules comprises receiving a list of topics from the advertiser.

41.   (Previously Presented)   The method of claim 21, wherein targeting the ads comprises generating a list of topics by analyzing the content of the information retrieved.

42.   (Previously Presented)   The method of claim 21, wherein parsing the particular media content comprises identifying a set of one or more topics by calculating a level of relevancy to the content based on text within the content of the information retrieved.

43.   (Previously Presented)   The method of claim 42, wherein terms in the set of relevancy rules are assigned relevancies based on a frequency with which the terms appear in the text of the content of the information retrieved.

44.   (Previously Presented)   The method of claim 42, wherein terms in the set of relevancy rules are assigned the level of relevancy based on an infrequency with which the terms appear across a collection of ads.

45.   (Previously Presented)   The method of claim 42, wherein the set of one or more topics contains terms whose level of relevancy exceeds a defined threshold.

46.   (Previously Presented)   The method of claim 42, wherein the set of one or more topics includes a defined number of terms with the highest level of relevancy among the terms of the set of relevancy rules.

47.   (Previously Presented)   The method of claim 21, wherein parsing the content of the information retrieved comprises identifying a topic based on other portions of a collection of which the content is a part.

48.   (Previously Presented)   The method of claim 21, wherein parsing the content of the information retrieved comprises identifying a topic based on one or more queries that yield a reference to a targeted ad.

49.   (Previously Presented)   The method of claim 21, wherein the step of parsing the content of the information retrieved comprises:

determining at least one document similar to the content;

supplementing the content of the information retrieved with the content of the similar

document; and

analyzing the supplemented content of the information retrieved to identify a topic.

50.   (Previously Presented)   The method of claim 49, wherein determining at least

one similar document comprises determining that a document is similar if it contains a reference to

the content of the information retrieved.

51.   (Previously Presented)   The method of claim 49, wherein determining at least

one similar document comprises determining that a document is similar if the content of the

information retrieved contains a reference to the document.

52.   (Previously Presented)   The method of claim 49, wherein supplementing

includes replacing at least a portion of the content of the information retrieved with at least a portion

of the content of the at least one similar document.

53.   (Previously Presented)   The method of claim 21, wherein step of parsing the

content of the information retrieved comprises:

identifying a description of the content used by another document that references the

content; and

analyzing the content of the description to identify a topic for the content of the information retrieved.

54.   (Previously Presented)   The method of claim 21, wherein the step of parsing the content of the information retrieved comprises:

identifying a description of the content used by another document that references the content;

supplementing the content of the information retrieved with the description; and

analyzing the supplemented content to identify a topic for the content of the information retrieved.

55.   (Previously Presented)   The method of claim 21, wherein parsing the content of the information retrieved comprises:

classifying the content into a category; and

identifying a list of one or more topics for the content of the information retrieved based on the category.

56.   (Previously Presented)   The method of claim 55, wherein meta-information associated with the content of the information retrieved is used to classify the content into a category.

57.   (Previously Presented)   The method of claim 56, wherein the meta-information includes information from another document that contains a reference to the content of the information retrieved.

58.   (Previously Presented)   The method of claim 56, wherein the meta-information includes information from another document to which the content refers.

59.   (Previously Presented)   The method of claim 58, wherein the information from another document includes meta-information associated with the other document.

60.   (Previously Presented)   The method of claim 21, wherein parsing the content of the information retrieved comprises comparing the content to a topic or a related topic to determine if a match exists between the topic or a related topic and the content of the information retrieved.

61.   (Previously Presented)   The method of claim 53, wherein the related topic is a synonym of the topic.

62.   (Previously Presented)   The method of claim 53, wherein the related topic is conceptually similar to the topic.

63.   (Previously Presented)   The method of claim 21, wherein the content is a retrieved web page.

64.   (Previously Presented)   The method of claim 63, wherein parsing the content of the information retrieved comprises: analyzing terms within the web page and including the terms in the set of one or more topics if a frequency with which terms appear in the web page exceeds a threshold value.

65.   (Previously Presented)   The method of claim 64, wherein terms that are related to one or more topics in the set are determined and supplemented so as to include the related terms.

66.   (Previously Presented)   The method of claim 64, wherein parsing the content comprises analyzing terms within a title of the web page and including the terms in the set of one or more topics if the frequency with which terms appear in the title exceeds a threshold value.

67.   (Previously Presented)   The method of claim 64, wherein the step of parsing the content of the information retrieved comprises:

        targeting ads for the web page based on text within the web page; and

        identifying a set of one or more topics based on a relevancy level.

68.   (Previously Presented)   The method of claim 67, wherein terms in the ads are assigned the level of relevancy based on a frequency with which the terms appear in the content of the information retrieved.

69.   (Previously Presented)   The method of claim 67, wherein terms in the targeted ad are assigned the level of relevancy based on the infrequency with which the terms appear across a collection of web pages.

70.   (Previously Presented)   The method of claim 67, wherein the set of one or more topics includes terms whose level of relevancy exceeds a defined value.

71.   (Previously Presented)   The method of claim 67, wherein the set of one or more topics includes a defined number of terms with the highest level of relevancy among the terms of the targeted ad.

72.   (Previously Presented)   The method of claim 64, wherein the step of parsing the content comprises:

determining at least one similar web page to the retrieved web page;

revising the content of the retrieved web page by supplementing it with the content of the similar web page; and

analyzing the revised content of the retrieved web page to identify a set of one or more topics.

73.   (Previously Presented)   The method of claim 72, wherein supplementing includes replacing at least a portion of the retrieved web page content with at least a portion of the similar web page content.

74.   (Previously Presented)   The method of claim 72, wherein determining at least one similar web page comprises determining that a web page is similar if it contains a link to the retrieved web page.

75.   (Previously Presented)   The method of claim 72, wherein determining at least one similar web page comprises determining that a web page is similar if the retrieved web page contains a link to the similar web page.

76.   (Previously Presented)   The method of claim 72, wherein the web page is contained in a host, and wherein determining at least one similar web page comprises determining that a web page is similar if it is contained within the same host as the retrieved web page.

77.   (Previously Presented)   The method of claim 72, wherein the web page is contained in a host, and wherein determining at least one similar web page comprises determining that a web page is similar if it is stored within a subdirectory of related pages on the same host as the retrieved web page.

78.   (Previously Presented)   The method of claim 64, wherein the step of parsing the content of the information retrieved comprises:

determining anchor text corresponding to the retrieved web page;

revising the content of the retrieved web page by supplementing it with the anchor text; and

analyzing the revised content of the retrieved web page to identify a set of one or more topics.

79.   (Previously Presented)   The method of claim 78, wherein supplementing includes replacing at least a portion of the retrieved web page content with at least a portion of the anchor text.

80.   (Previously Presented)   The method of claim 78, wherein supplementing includes replacing the retrieved web page content with at least a portion of the anchor text.

81.   (Previously Presented)   The method of claim 64, wherein the step of parsing the content comprises:

classifying the retrieved web page into a category; and

identifying a list of one or more topics for the retrieved web page based on the category.

82.   (Previously Presented)   The method of claim 81, wherein meta-information associated with the retrieved web page is used to classify the retrieved web page into a category.

83.   (Previously Presented)   The method of claim 82, wherein the meta-information includes information from another document that contains a reference to the retrieved web page.

84.   (Previously Presented)   The method of claim 82, wherein the information from another document includes meta-information associated with the other document.

85.   (Previously Presented)   The method of claim 82, wherein the meta-information includes anchor text corresponding to the retrieved web page.

86.   (Previously Presented)   The method of claim 64, wherein the advertisement belongs to an advertiser, and wherein identifying targeting information comprises receiving a set of one or more topics from the advertiser.

87.   (Previously Presented)   The method of claim 64, wherein identifying targeting information comprises applying the relevancy rules in the data store to one or more topics based on the objects parsed from the content.

88.   (Previously Presented)   The method of claim 64, wherein identifying targeting information comprises generating a set of one or more topics for the advertisement based on text of

queries on a search engine that yield a result that links to a web page on a web site to which the advertisement links.

89. (Previously Presented) A system for delivering ads to a user operating a station connected to a computer network, to retrieve and view information containing content comprising:

a server for storing the ads for delivery to the user operating the station connected to the computer network;

a memory containing a set of relevancy rules associated with an ad, said relevancy rules being operable to indicate a level of relevancy of the ad to the content of the information; and

a module configured to, in response to the submission of a URL by the user at the operating station, access the information retrieved by the user, extract the content based on the extracting rules, parse the content into objects and corresponding attributes, target the ad to the content by applying the relevancy rules in the memory to the objects, free of information about the user, and directly send the targeted ad to the station for display with the content.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings for this matter.

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